

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JEAN DOMONIQUE MORANCY;
and L.M., a minor, by and through
her father, Jean Dominique
Morancy,

Plaintiffs,

v.

SABRINA ALEX SALOMON;
GERALD FRANCIS ZNOSKO;
ANGELA LYNN LAMBIASE;
CARLOS A. OTERO; KEITH
FRANKLIN WHITE; JOHN DAVID
WILLIAM BEAMER; ELAINE
AGNES BARBOUR; NINTH
JUDICIAL CIRCUIT COURT OF
FLORIDA; FLORIDA SIXTH
COURT OF APPEAL; ZOOSKO &
REAS, P.A.; and ASHLEY MOODY,
in her capacity as the Attorney
General of Florida,

Defendants.

Case No. 6:23-cv-714-CEM-RMN

ORDER

This cause is before the Court on Plaintiff's Expedited Ex Parte Motion to Recognize Certain Defendants Served (Dkt. 18), filed on May 5, 2023. Jean Domonique Morancy, who has appeared *pro se* on behalf of himself and his daughter, asks this court for an order "recognizing" that Defendants Sabrina

Alex Salomon, Gerald Francis Znosko, Angela L. Lambiase, John David William Beamer, and Znosko & Reas, P.A. have been served. Dkt. 18 at 1.

The motion is not well taken. Courts do not issue advisory opinions on a litigant's handling of service of process. Though the Court recognizes Plaintiffs are proceeding without counsel, all litigants, including *pro se* litigants, are "subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure." *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). Plaintiffs must abide by process established by the Federal Rules of Civil Procedure.

Under those rules, a plaintiff must serve each defendant with a copy of the complaint and a summons within 90 days after the complaint is filed. Fed. R. Civ. P. 4(c), (m); *Richardson v. Johnson*, 598 F.3d 734, 738 (11th Cir. 2010). If a defendant has not been served within that time, "the [district] court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specific time." Fed. R. Civ. P. 4(m). To facilitate the dismissal of actions under Rule 4(m), this Court requires plaintiffs to file proof of service. *See* Local Rule 1.10.

Once a defendant has been properly served, it is required to answer within 21 days. Fed. R. Civ. P. 12(a)(1)(A)(i). Alternatively, a defendant may file a pre-answer motion to dismiss based on the defenses enumerated in

Federal Rule of Civil Procedure 12(b), which include “lack of personal jurisdiction,” “insufficient process,” and “insufficient service of process.” Fed. R. Civ. P. 12(b)(2), (4), (5). If a defendant is served and does not timely respond, the plaintiff may pursue a default judgment under the two-step procedure established by Federal Rule of Civil Procedure 55. *See, e.g., Alfa Corp. v. Alfa Mortg. Inc.*, 560 F. Supp. 2d 1166, 1173 (M.D. Ala. 2008). When doing so, a plaintiff must also comply with the requirements of this Court’s Local Rule 1.10.

In sum, the rules provide mechanisms for the cases to be dismissed if service is not completed and for Defendants to challenge service if they so choose. An advisory opinion on service of process is unnecessary.

Plaintiffs may visit the Court’s website (www.flmd.uscourts.gov) for resources for unrepresented litigants, including a form for a civil complaint and a *Guide for Proceeding Without a Lawyer*. Plaintiffs also may obtain a copy of the *Guide* from the clerk’s office. Further, the Orlando Chapter of the Federal Bar Association operates a Legal Information Program that affords litigants proceeding in federal court without lawyers an opportunity to meet with lawyers to ask general questions about procedures governing cases in federal court. More information about the program, including instructions about how to schedule an appointment, is available on the Court’s website at <https://www.flmd.uscourts.gov/legal-information-program>.

Accordingly, it is **ORDERED** that Plaintiff's Expedited Ex Parte Motion to Recognize Certain Defendants Served (Dkt. 18) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida, on May 9, 2023.



ROBERT M. NORWAY
United States Magistrate Judge

Copies furnished to:

Counsel of Record

Jean Domonique Morancy
13096 SW 53rd Street
Miramar, Florida 33027